

RESOLUTION NO. 75343

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AND SUBMIT AN APPLICATION TO THE SANTA CLARA VALLEY WATER DISTRICT FOR A GRANT FOR THE DESIGN FOR THE UPPER PENITENCIA CREEK STREAM ENHANCEMENTS PROJECT UNDER THE CLEAN, SAFE CREEKS AND NATURAL FLOOD PROTECTION PROGRAM OF 2000 (ENVIRONMENTAL ENHANCEMENT PLANNING GRANT PROGRAM) IN AN AMOUNT NOT TO EXCEED \$200,000, TO ACCEPT THE GRANT IF AWARDED, AND TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, the Santa Clara Valley Water District ("District") has enacted the Environmental Enhancement Planning Grant Program ("Program"), which provides funds for the creation of additional wetlands, riparian habitat and favorable streams conditions for fisheries and wildlife; and

WHEREAS, the District's Watershed Planning Unit has been delegated the responsibility for the administration of the Grant Program and setting up necessary procedures; and

WHEREAS, the procedures established by the District require the San José City Council to certify by resolution the approval for the City of San Jose ("City") to apply for Program funds; and

WHEREAS, the City desires to apply for Program funds in an amount not to exceed \$200,000, to be used for planning and design of enhancement projects along the Upper Penitencia Creek in Alum Rock Park, including CEQA documentation and permit acquisition; and

WHEREAS, if the grant is awarded, the City will be required to provide a match equaling twenty-five percent (25%) of the total Project cost, which match has already been provided by the City's existing contract with Winzler & Kelly to conduct studies, prepare construction documents and provide CEQA documentation for enhancements along the Upper Penitencia Creek;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Manager or designee is authorized to execute and submit an application to the Santa Clara Valley Water District for a grant under the 2010 Environmental Enhancement Planning Grant Program (the Clean, Safe Creeks and Natural Flood Protection Program of 2000) for the Design Development for the Upper Penitencia Creek Stream Enhancements Project, in an amount not to exceed \$200,000.
2. The City certifies that the City has or will have sufficient funds to operate and maintain the Project.
3. The City certifies that the City has reviewed, understands and agrees to the Special Provisions, General Provisions and Financial Provisions contained in the Agreement.
4. The City Manager or designee is further authorized to conduct all negotiations, accept the grant on behalf of the City and to execute and submit any necessary documents, including but not limited to applications, agreements, payments requests, etc., which may be required to effectuate the grant.

ADOPTED this 20th day of April, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor